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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,258	12/31/2003	Tadashi Yamaguchi	OKI 396	6985
23995	7590	07/13/2005		EXAMINER
RABIN & Berdo, PC 1101 14TH STREET, NW SUITE 500 WASHINGTON, DC 20005			QUACH, TUAN N	
			ART UNIT	PAPER NUMBER
			2826	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/748,258	YAMAGUCHI, TADASHI
	Examiner Tuan Quach	Art Unit 2826

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 May 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 December 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

The amendment filed May 3, 2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the insertion into the specification between lines 18 and 19 regarding a first width near posts 16 and a greater second width near the conductive layer 24 the second width being wider than the first width. There is no disclosure as to the respective first and second widths now claimed. Furthermore, this presumes that the figures are drawn to scale, that a bigger distance on the drawings would dictate a large distance or dimension in reality which is not necessarily the case. Nowhere in the original disclosure indicates that such would be the case and applicant has pointed out none. Applicant is requested to point out the explicit support.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claims 1-6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant is requested to point out support for the amended features now incorporated into the claims, namely claim 1 last two lines. See additionally the objection above indicating there is no support that the drawings are drawn to scale, that

a larger dimension in the drawing would necessarily require a larger dimension in reality for the device.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the amended phrase "the conductive pattern has a first width adjacent to the conducting part, and a second width adjacent to the conductive pattern . . ." is erroneous and does not make sense as regarding a pattern that has a second width adjacent to the pattern. This is tantamount to saying something has a second width adjacent to itself. What constitutes the first width and the second width, their demarcation, cannot be determined from the claim.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by Kimura of record, the previous Office action page 2.

Kimura (2002-093942) teaches a semiconductor device comprising a semiconductor chip 2 having an electrode pad 3 electrically connected to an integrated circuit and a conducting part 4 electrically connected to the electrode pad; a conductive pattern 5a/5b extend from a top of a front side of the insulators 6c to the conducting part of the chip. See the abstract, [0009]-[0016].

To the extent the newly added limitations are not supported by the original disclosure, the claimed invention would be anticipated by Kimura for the same reasons delineated in the previous Office action.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura of record for the reasons of record above and the reasons delineated below.

Note that regarding the conductive pattern 5a/5b, the selection of dimensions normally is considered to be within the purview of one skilled in the art and would have been obvious as Kimura does not preclude such possibility out of two possibilities, namely that the second width being wider or not wider than the first width. Alternatively, the selection of one out of two alternatives would have been obvious. Additionally, where the difference regarding a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device. *Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984). Furthermore, the change regarding the configuration is deemed to be a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration was significant. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura as applied to claim 1 above, and further in view of Hiruchi of record for the reasons of record in the previous Office action pages 3-4. The connection to the

stacked devices including to each of the devices would have been within the purview of one skilled in the art where such connection is needed and as such would have been obvious.

Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection and the rejections of record as delineated above regarding the issues of the first thickness and the second thickness delineated above.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tuan Quach whose telephone number is 571-272-1717. The examiner can normally be reached on M-F from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Nathan Flynn, can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tuan Quach
Primary Examiner